

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK E. GESSNER,

Plaintiff,

-vs-

Case No. 3:11-cv-0286

JOHN S. HOWARD, et al.,

District Judge Thomas M. Rose

Defendants

DISMISSAL ENTRY

This matter comes before the Court pursuant to the Court's previous Entry and Order (Doc. #64) which continued the previously set trial date to allow Plaintiff to obtain counsel and the Court's Order to Show Cause why the case should not be dismissed for lack of prosecution (Doc. #67). As of this date, Plaintiff has failed to reply and/or comply with the Court's orders.

The above captioned matter was commenced by Plaintiff pro se on August 11, 2011 and has been pending for approximately two (2) years. Just prior to the originally scheduled trial date of May 20, 2013 the Plaintiff during the final pretrial conference requested that the Court appoint him counsel for representation at trial. The Court, although not appointing counsel, continued the trial date, and gave Plaintiff approximately one month to acquire counsel. The Court also provided Plaintiff with the contact information for the Dayton Volunteer Lawyers Project, if he was unable to retain counsel.

Due to the length of time this matter has been pending, the necessity of resolving the Plaintiff's representation dilemma and to minimize further delay in the proceedings and trial schedule, the Court

ordered that Plaintiff acquire counsel and counsel enter his or her appearance in this case no later than June 24, 2013.

The Plaintiff and/or the Dayton Volunteer Lawyers Project, as of June 25, 2013, had not communicated in any manner with the Court regarding his representation, or had any counsel entered their appearance on his behalf. Although the Court had established a June 24 deadline which, if not met, could result in sanctions, it filed on the docket a subsequent Order to Show Cause (Doc. #67) giving Plaintiff a further opportunity to communicate with the Court to have counsel enter an appearance and show cause why the case should not be dismissed for failure to prosecute.

As of the date of filing this dismissal entry the Plaintiff has not contacted the Court nor has any attorney entered an appearance.

Therefore, this Court ORDERS that this matter be DISMISSED and terminated on the docket records.

July 18, 2013

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE